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PATENT  
04116-P0001B GSW/HJP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Walter Jones
Application No. 10/767,131	Filing Date: January 29, 2004
Title of Application:	Tablecloth Covering And Method of Covering And Skirting A Table
Confirmation No. 4367	Art Unit: 3637
Examiner	

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450  
ATTENTION: Group Director, Art Unit 3637  
(M.P.E.P. § 1002.02(C))

**Petition to Make Special pursuant to M.P.E.P. § 708.02, (II)**

Dear Sir:

1. Petition. Applicant hereby petitions to make this application, which has not received any examination by the Examiner, special. It has come to the Applicant's knowledge that there is an infringing device actually on the market.

2. Statement. Pursuant to Section 708.02 II of the Manual of Patent Examining Procedure, the undersigned attorneys hereby submit the following statement in support of the Petition to Make Special.

(A) There is an infringing device or product actually on the market or method in use. The infringing product is available from The Freeman Companies, which has a main office at 1421 W. Mockingbird Lane, Dallas, TC 75247. As far as we know, The Freeman Companies and/or its affiliate companies provide the infringing device throughout the United States.

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Mailing Certificate: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as *First Class Mail* in an envelope addressed to: Commissioner for Patents and Trademarks; Post Office Box 1450; Alexandria, VA 22313-1450.

August 19, 2005

  
Catherine Flood

(B) As far as we know, the infringing device is actually on the market. In support thereof, an executed statement by a delegated employee of the Assignee of the present application is enclosed herewith at Appendix A.

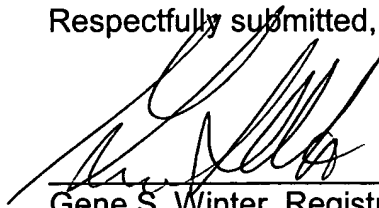
(C) A rigid comparison of the infringing device with the claims of the application has been made, and in our opinion, at least some of the claims are unquestionably infringed. Namely, the device infringes at least Claim 1, Claim 13, Claim 14 and Claim 20 of the present application. In support thereof, an executed statement by a delegated employee of the Assignee of the present application is enclosed herewith at Appendix A.

(D) Applicant has made a careful and thorough search of the prior art as evidenced by the submitted Information Disclosure Statement dated January 21, 2005.

3. Copy of References. A copy of the references deemed most closely related to the subject matter encompassed by the claims was submitted before with the Information Disclosure Statement dated January 21, 2005.

4. Fee. The fee required by 37 C.F.R. 1.17(h) in the amount of \$130.00 is enclosed herewith. Please charge any fee deficiency to Account No. 19-4516.

Respectfully submitted,



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**Declaration of Facts in Support of Petition to Make Special pursuant to  
M.P.E.P. § 708.02, (II)**

I, Larry Edinger, hereby declare and state as follows:

1. SMT Solutions, Inc. is the assignee of Application No. 10/767,131, filed in the United States Patent and Trademark Office on January 29, 2004.
2. I, Larry Edinger, am the President of SMT Solutions, Inc.
3. The infringing sample was taken from the Jacob Javits Convention Center in New York, NY on August 3, 2005.
4. The infringing sample was in a master carton that was labeled: Freeman Decorating – Made in China.
5. The attached photograph shows a side by side comparison of SMT Solutions, Inc.'s table cover with the infringing sample from Freeman Decorating.
6. The infringing sample consists of a table cover for a tabletop having a generally polygonal contour with a plurality of sides at its outer periphery, a plurality of side drops that extend outward from the sides of the top cover, and adjacent side drops defining adjacent corners bound along drop fold areas.

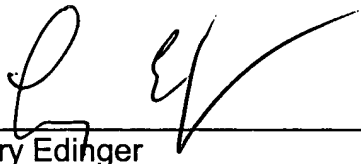
7. The infringing sample is formed of a resilient material and sized a little smaller than the top surface of the tabletop, with resilient material adjacent side drops defining adjoining corners being folded and bound to the adjacent side drop.

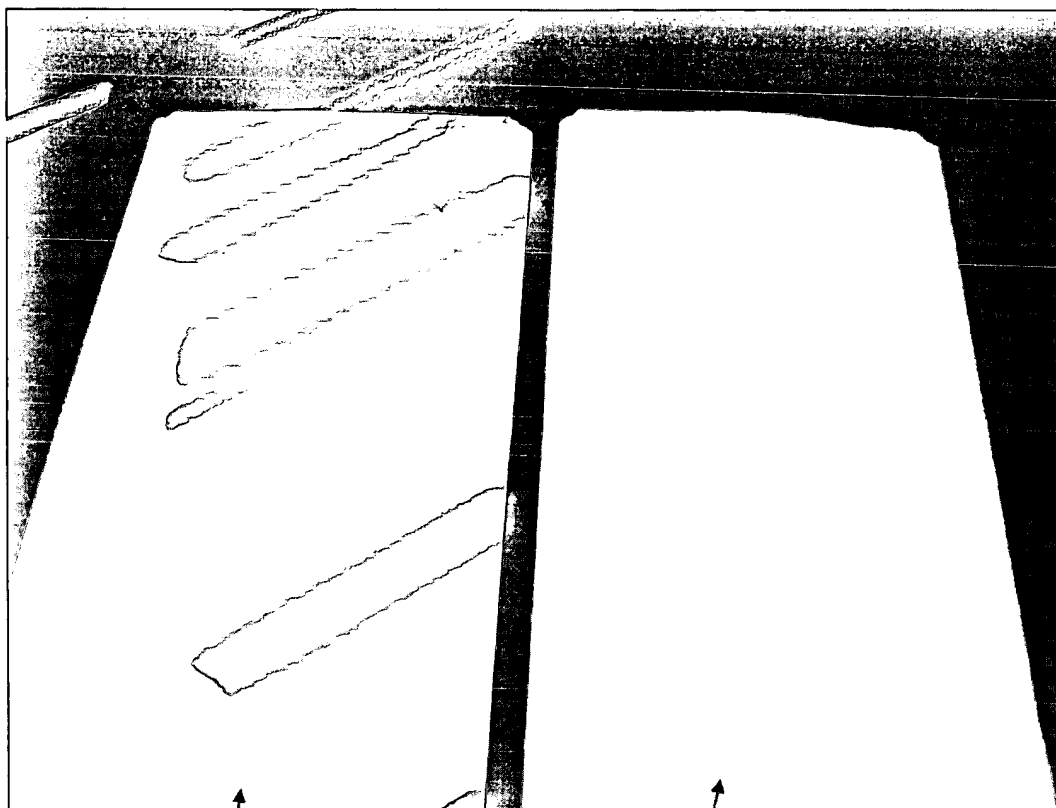
8. The infringing sample has adjoining corner areas that are bound to adjacent side drop portions of the table cover so that the side drop portions are drawn in a generally vertical direction when the table cover is placed over the tabletop.

9. The infringing sample is available on the market.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true.

8/15/05  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Larry Edinger  
President, SMT Solutions, Inc.



Freeman  
Decorating

SMT Solutions  
Inc.

Side by Side comparison (SMT Solutions Inc Brand on the Right/Freeman  
decorating Brand on the left)